

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

In Re: Ryan D. Hoefling : Case No: 16-51291  
Debtor(s) : Chapter 13 Judge: C KATHRYN PRESTON  
: POC filed 5/6/16

**FIRST AMENDED**  
**CHAPTER 13 TRUSTEE'S OBJECTION TO CONFIRMATION**

Now comes Frank M. Pees, Standing Chapter 13 Trustee, and objects to the confirmation of the plan and requests that the Court enter an Order denying confirmation for the reasons set forth below and dismissing the case, pursuant to 11 U.S.C. §1307. This objection supersedes any prior objection filed in this case by the Trustee.

Above median income   X   Below median income           

  X   **11 U.S.C. §1325(a)(1)**-Plan does not comply with all provisions of Chapter 13 of Title 11 and the other applicable provisions of Title 11:

  X   Plan takes over 60 months to complete. **The Trustee projects a length of 78 months due to Proofs of Claim filed by the IRS, ABS-Amega, Inc., and Two Fish Apparel, LLC.**

  X   Debtor has failed to file a complete list of creditors, statement of financial affairs, schedules including current income and expenses, or other filing requirements, pursuant to 11 U.S.C. § 521. **Debtor has not submitted his most recent tax return to the Trustee.**

  X   **11 U.S.C. §1325(a)(4)**-Plan does not meet the best interest test.

  X   Trustee is unable to accurately determine best interest as Debtor(s) have failed to provide an acceptable appraisal, pursuant to LBR 3015-3(e)(3).

  X   **11 U.S.C. §1325(a)(5)**-Plan does not provide for lien retention rights for secured creditors and/or interest rate for rejecting secured creditors.

  X   Other: **Debtor's plan lacks treatment for the secured claim filed by Two Fish Apparel, LLC.**

  X   **11 U.S.C. §1325(a)(6)**-Plan is not feasible based on income, living expenses, and plan payments.

  X   Other: **Per Debtor's 341 testimony, Debtor is no longer operating his own business and is now a 1099**

**employee of his wife's business. The Trustee requests that Debtor amend his Schedule I to reflect and update this change of employment. The Trustee also requests a statement regarding whether Debtor has any ownership interest in this business and a description of the type of work that this business does as Debtor's Statement of Financial Affairs does not reflect any income from Debtor's wife's business.**

Pursuant to LBR 3015-2(a), amendments necessary to place the plan in a posture for confirmation must be filed at least ten (10) days prior to the hearing on confirmation set for May 19, 2016, unless Debtor(s) have entered into an Agreed Order with the Trustee and so are bound by the terms of that Order.

Therefore, the Trustee prays that confirmation is denied and this case be dismissed for cause pursuant to §1307(c).

**TERMS OF THE PLAN:**

**Plan Payments: \$2,708.00**

**Best Interest Dividend: 0%      Dividend: 2.40%**

**Length: 78 Months**

Dated: May 10, 2016

Respectfully submitted,

**/s/ Frank M. Pees**

Frank M. Pees  
Chapter 13 Trustee  
130 East Wilson Bridge Road #200  
Worthington, Ohio 43085  
(614) 436-6700  
trustee@ch13.org

CERTIFICATE OF SERVICE

The undersigned hereby certified that on the date shown below a copy of the Trustee's First Amended Objection to Confirmation was served electronically on the Office of the United States Trustee and Debtor's attorney, and on the Debtor(s) at the address as currently shown in the Trustee's records by regular first class mail, postage prepaid.

Dated: May 10, 2016

/s/ Frank M. Pees

Frank M. Pees

Chapter 13 Trustee

130 East Wilson Bridge Road #200

Worthington, Ohio 43085-6300